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R E M A R K S

In the Office Action, claims 1-9 were allowed. These claims have been retained in the application in their original form. Claims 10-20 were rejected on a provisional double patenting rejection of the statutory type (35 U.S.C. 101). Claims 10-20 have been cancelled. New method claims 21 and 22 have been added and new claims 23 and 24 have been added directed to the structure of the chair.

The new method claims 21 and 22 are believed to be allowable for the same reasons as claims 1-9 and for the additional reasons that new independent claim 21 more clearly sets forth the method steps of the occupant occupying the seat applies weight to the seat sufficient to return the seat and seat back to an upright position and the step that rearward force exerted on the seat back moves the seat and seat back to an inclined position as shown in Figure 3. Thus is accomplished by the specific relationship of the pivotal connections of the support arm or arms to the front pivotal support, the rigid rear support and the pivotal connections between the seat back, the rigid rear support and the rear ends of the seat supporting arm or arms. Accordingly, the method steps as defined in new method claims 21 and 22 distinguish patentably over the prior art of record in this application as well as all of the prior

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art cited in the co-pending application that has now matured into a patent.

New claims 23 and 24 also distinguish from the invention claimed in the co-pending application and patent by specifically defining an invention that is not the same as claims 1-17 in the co-pending application and issued patent. Specifically, claim 23 defines the pivotal upstanding front support, rigid rear support and the specific relationship of the pivotal connections between the seat supporting arm and the pivotal front support, the rigid rear support, the pivotal connection of the seat back with the rigid rear support and the rearward end of the seat supporting arm. Note that in this claim, and claim 24 dependent therefrom, the limitations are specifically different from the claimed invention in the co-pending application and issued patent in which the claimed invention requires that the seat assembly includes a pair of arms each of which has a rear end pivotally coupled to a respective rear leg 52 to define a fulcrum.

Rather than the limitations appearing in the claims in the patent relating to the pivotally coupled relationship between the rear ends of the arms and the rear leg which actually is only connected to the seat back through the support arms 52 as in the patent, new claim 24 specifically defines the relative positions of the pivotal connection between the seat back, seat supporting arm

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and the pivotal connection between the seat back and the rigid rear support which provides the necessary lever arm so that the occupant's weight returns the chair components to an upright position and rearward force exerted on the seat back and forward force exerted on the seat and seat supporting arm moves the seat back and seat to an inclined position. The specific structure defined in claim 24 sets forth an invention distinct from the invention claimed in the issued patent.

In view of the distinctions between the newly submitted claims directed to the exercise chair and the claimed invention in the issued patent, reconsideration of the double patenting rejection is requested.

Applicants submit that this amendment including the additional method claims and new specific claims directed to the chair structure places this application inconsideration for allowance. Accordingly, early and favorable reconsideration is requested.

Respectfully submitted,

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